



Docket No.: 050103-0575

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 49745
Xiaoding MA, et al. : Confirmation Number: 2663
Application No.: 10/776,191 : Group Art Unit: 1773
Filed: February 12, 2004 : Examiner: RESAN, Stevan A.

For: DUAL-LAYER CARBON-BASED PROTECTIVE OVERCOATS FOR RECORDING MEDIA BY FILTERED CATHODIC ARC DEPOSITION

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Noting the Office Action of December 20, 2005 wherein restriction has been required, Applicants hereby elect Group II (claims 9-13 and 20) with traverse for prosecution in the above-identified application.

Applicants traverse the restriction because Groups III and II are improperly characterized as an intermediate-final product relationship. According to the MPEP, "[t]ypically the intermediate loses its identity in the final product" MPEP § 806.05(j). The Examiner has not shown that the claimed material of Group III loses its identity in the recording medium of Group II. Therefore, Groups III and II have been improperly characterized as an intermediate-final product relationship.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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